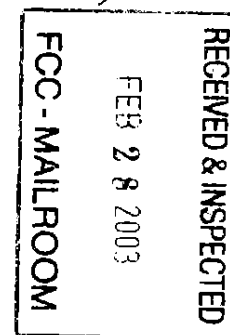




Federal Communications Commission
Washington, D.C. 20554

04C203
Imaging Center



February 26, 2003

Dana J. Puopolo
2134 Oak St., Unit C
Santa Monica, CA 90405

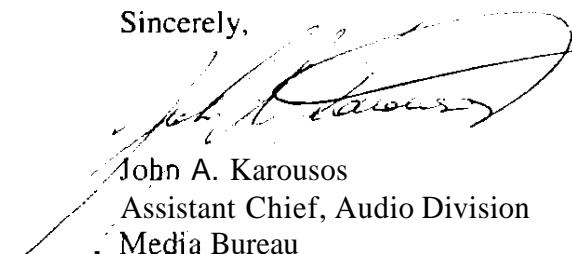
Dear Ms. Puopolo:

This letter is in reference to the Petition for Rule Making that you filed on January 8, 2003, proposing the allotment of Channel 251A to Kernville, California, as that community's second local aural transmission broadcast service.

Your proposal is unacceptable for consideration at this time. While the requested site, (located atop Sunday Peak) at 35-46-53 NL and 118-34-58 WL, meets all spacing requirements in accordance with Section 73.207 of the Commission's Rules, it **will** not provide the entire community of Kernville with the required 70 dBu city-grade signal service contour pursuant to Section 73.315(a) of the Commission's Rules. Specifically, an engineering analysis indicates that the farthest city boundary point of Kernville from the proposed antenna site is approximately 17.5 kilometers away, but, the 70 dBu signal for a Class A station only extends **16.2** kilometers.

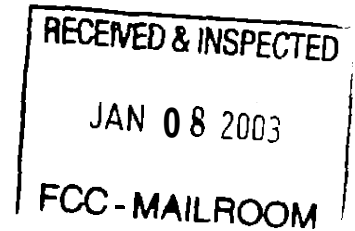
For reasons discussed above, we are returning your Petition for Rule Making. **You** may refile your petition, provided your proposal is in full compliance with the Commission's Rules.

Sincerely,


John A. Karousos
Assistant Chief, Audio Division
Media Bureau

Enclosure

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554



In the matter of)
Amendment of Section 73.202 (b),) MM Docket No. _____
Table of Allotments)
FM Broadcast Stations) RM- _____
(Kernville, California))

PETITION FOR RULEMAKING

To the Chief, Allocations Branch:

1. Dana J. Puopolo ("petitioner") respectfully requests the Commission initiate a rulemaking proceeding for the purposes of considering amending Section 73.202(b) of the Commission's rules. In support whereof the following is stated.

2. Petitioner proposes the Commission allot FM channel **251A** to Kernville, California as its second local **FM** service. This would require amending Section 73.202(b) of the Commission's rules as follows:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Kernville, CA	273A	251A, 273A

3. Kernville is a Census Designated Place located in Southern California. It is located in Kern County. In **1990**, the United States Census Bureau estimated Kernville had a population of **1656** persons.

4. FM channel **251A** can be assigned to Kernville in full compliance with the Commission's minimum distance separation requirements. This is illustrated in Table A below, which lists stations and assignments within 240 kilometers. Coordinates used are **N 35:46:53**, **W 118:34:58** and are located atop Sunday Peak, an 805 meter hill approximately 10 km West of Kernville. This site restriction is necessary to prevent a short spacing with station **KRXV**, Yermo, CA. Petitioner is confident he can find a suitable transmitter site for this allotment if it is assigned as proposed.

5. Petitioner, or an entity with which he is affiliated, intends to apply for a construction permit to activate channel 251A if it is assigned to Kernville as proposed. If his application is granted, he shall promptly construct and operate the **proposed** station.

6. Petitioner hereby verifies and affirms that the statements given in this petition for rulemaking are his, and are accurate to the best of his knowledge.

Respectfully submitted,

Dana J. Puopolo
2134 Oak St., Unit C
Santa Monica, CA 90405
December 27, 2002

TABLE A

Spacing study for FM channel 251A, Kernville, CA

<u>Channel</u>	<u>Station</u>	<u>Location</u>	<u>Actual Spacing(Km)</u>	<u>Rwuired Spacing(KM)</u>
2488	KMGQ	Santa Barbara. CA	187	69
2488	KSSE	Riverside, CA	216	69
2488	KABX-FM	Merced, CA	244	69
249A	KVVS	Shafter, CA	54	31
249A	KAVS	Mojave. CA	97	31
2508	KMGV	Fresno. CA	162	113
2508	KLAX-FM	East Los Angeles. CA	194	113
2518	KRXV	Yermo, CA	181	170
2518	KKJG	San Luis Obispo. CA	194	178
252A	NEW	Huron, CA	144	72
25281	KDAR	Oxnard, CA	180	96
252A	KRTO	West Covina, CA	196	72
25381	KSMJ	Delano, CA	52	48
2548	KYSR	Los Angeles, CA	185	69
3008	KUZZ-FM	Bakersfield, CA	41	15